

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:20-CR-00189(1)-ADA
	§	
(1) MICHELLE LEE PORTER	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On February 16, 2023 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) MICHELLE LEE PORTER, which alleged that Porter violated a condition of her supervised release and recommended that Porter 's supervised release be revoked (Clerk's Document No. 52). A warrant issued and Porter was arrested. On September 18, 2023, Porter appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Porter appeared before the magistrate judge on October 3, 2023, waived her right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on October 3, 2023, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense

and the intervening conduct of Porter, the magistrate judge recommends that this court revoke Porter supervised release and that Porter be sentenced to imprisonment for Fourteen (14) months, with no term supervised release to follow the term of imprisonment (Clerk's Document No. 64). To the extent possible, the Court requests that Defendant be placed in a location close to Houston and that while in custody she receives proper medical and psychiatric treatment including any medications recommended by medical or psychiatric personnel.

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On October 3, 2023, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No.


62). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 64) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) MICHELLE LEE PORTER's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) MICHELLE LEE PORTER be imprisoned for Fourteen (14) months with no term of supervised release. To the extent possible, the Court requests that Defendant be placed in a location close to Houston and that while in custody she receives proper medical and psychiatric treatment including any medications recommended by medical or psychiatric personnel.

Signed this 26th day of October, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE